## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE CHATTANOOGA DIVISION

JEFFREY KENNEDY,	)
Plaintiff,	) CIVIL ACTION FILE NO:
$\mathbf{v}_{\epsilon}$	)
	)
GARRY P. EMBERSON and	)
GEMSTAR TRANSPORT, LLC,	)
9	)
Defendant.	)

## NOTICE OF REMOVAL BY DEFENDANTS GARRY P. EMBERSON AND GEMSTAR TRANSPORT LLC

COME NOW Garry P. Emberson and Gemstar Transport LLC, Defendants in the above-styled suit, and, within the time prescribed by law, files this Notice of Removal pursuant to 28 U.S.C. § 1446, and respectfully shows the Court the following facts:

- Plaintiff filed suit against Defendant in the Circuit Court of Hamilton County, State of Tennessee, where the underlying accident occurred. This suit is styled as above and numbered Docket No. 20C544 in that Court.
- 2. Plaintiff is resident and citizen of the State of Tennessee.
- 3. Defendant Gemstar Transport LLC is a Florida limited liability corporation with its principle place of business in Florida. Gemstar Transport LLC was served with the lawsuit on September 30, 2021, pursuant to Rule 4.07 of the Tennessee Rules of Civil Procedure.
- 4. Defendant Garry P. Emberson is a resident and citizen of the State of Florida. Garry P. Emberson was served with the lawsuit on September 30, 2021, pursuant to Rule 4.07

- of the Tennessee Rules of Civil Procedure.
- 5. Complete diversity exists between Plaintiff and Defendants in accordance with 28 U.S.C. § 1332(a)(1).
- 6. Plaintiff contends that he is entitled to damages in excess of \$75,000. Accordingly, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
- 7. This is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs, and is between citizens of different states. Accordingly, this is a civil action which may be removed to this Court by Garry P. Emberson and Gemstar Transport LLC pursuant to the provisions of 28 U.S.C. § 1446.
- 8. This Notice is filed within thirty days of purported service upon Garry P. Emberson and Gemstar Transport LLC pursuant to the requirements of 28 U.S.C. § 1446(b).
- 9. Garry P. Emberson and Gemstar Transport LLC have attached hereto copies of all process, pleadings, and orders filed in the state court in this case as follows:
  - Exhibit 1: Complaint;
  - Exhibit 2: Summons to Gemstar Transport LLC;
  - Exhibit 3: Summons to Garry Emberson;
  - Exhibit 4: Motion to Quash Service of Process;
  - Exhibit 5: Agreed Order Granting Motion to Quash Service of Process;
  - Exhibit 6: Waiver of Service of Process on Gemstar Transport, LLC;
  - Exhibit 7: Waiver of Service of Process on Garry Emberson; and

• Exhibit 8: Answer of Defendants Garry P. Emberson and Gemstar Transport LLC.

WHEREFORE, Defendants pray this case be removed to the United States District Court for the Eastern District of Tennessee, Chattanooga.

Respectfully submitted this 25th day of October, 2021,

COPELAND, STAIR, KINGMA & LOVELL, LLP

ANGELA CIRINA KOPET; BPR 017921 G. GRAHAM THOMPSON; BPR 034467

Attorneys for Defendants 735 Broad Street, Suite 1204 Chattanooga, TN 37402

Phone: (423) 713-7075 Fax: (423) 648-2283

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for the Plaintiff by electronic means via CM/ECF, and/or by placing a true and exact copy of said pleading in the United States Mail with sufficient postage thereupon to carry the same to its destination, addressed as follows:

R. Lew Belvin; BPR 028325 McMahan Law Firm P.O. Box 11107 Chattanooga, TN 37401 T: 423-265-1100 F: 423-756-8120 Attorneys for Plaintiff

This 25th day of October, 2021,

COPELAND, STAIR, KINGMA & LOVELL, LLP

By: G. Mumpson